

HENRY MACKRILL, ALIAS HENRY MACKEY.

APRIL 3, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KIRKPATRICK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany H. R. 3690.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3690) granting a pension to Henry Mackrill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the *Princeton*, January 23, 1864, and served to March 3, 1864; on the *Ticonderoga* to May 4, 1865, as landsman; on the *Princeton* as ordinary seaman to May 11, 1865, and was discharged from the *Sabine* as ordinary seaman, August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army.

The War Department records show:

Henry Mackrill, private, Company D, Ninth Mississippi Infantry, C. S. A., enlisted April 11, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, "present." October 31, 1863, "absent, sick since October 20, 1863, by order Surgeon Williams." December 31, 1863, "absent, missing in action since day after Missionary Ridge, November 25, 1863. Reported as deserter." Name not found on rolls of later date. Nature of disability not stated. Prisoner of war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 26, 1863. Confined at Rock Island, Ill., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, Ill., January 25, 1864.

Claimant alleges that at breaking out of the war he was a British subject and engaged in cutting wood on the Lower Mississippi; that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackey; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at \$12 per month from July 25, 1890, for "catarrh, disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 23, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delhi, Ind., July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post-nasal catarrh, two-eighteenths for disease of eyes, four-eighteenths for kidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that ninety days' service and an honorable discharge without regard to previous loyalty, were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having faithfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month" in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

